



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE October 27, 1998

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: ZONE CHANGE NO. 98-190-05 AND VESTING TENTATIVE MAP TRACT 7033 - GREYSTONE HOMES, INC. (SUBDIVIDERS); CHARLES GRIMSHAW, RONALD E. AND GRACE E. MARCIEL (OWNERS) - Request to rezone, from the **RSB6** (Single-Family Residential, minimum 6,000 sq. ft. parcel) District to the RS (Single-Family Residential) District, and to subdivide one parcel totaling 4.2 acres into 24 single-family parcels ranging in size from 5,000 square feet to 9,900 square feet.

The property is located in the Glen Eden neighborhood at 28191 Hesperian Boulevard, north of Tahoe Avenue, known as the Western Garden Nursery.

RECOMMENDATION:

Approve the project as amended.

DISCUSSION:

At its October 13, 1998, meeting, City Council members expressed concern regarding lot 19 of the proposed tract. Lot 19 abuts eight other lots, and some Council members felt that its design and location would result in a loss of privacy to future residents. The Council requested the applicant to explore opportunities to decrease privacy impacts by increasing the width of lot 19. The applicant has increased the width of the lot from 51 feet to 56 feet at the front and to 54 feet at the rear. This results in the possibility of side yards of 5.5 feet on one side and between 9.5 and 10.5 feet on the opposite side. The applicant has increased the area of lot 19 from 7,410 square feet to 7,789 square feet. Please refer to Attachment "B," which depicts the October 13 version of the tract, and Attachment "I," which shows that portion of the amended map around lot 19. One alternative shows a house 5.5 feet from the southerly property line with a larger side yard on the northerly side. The second alternative shows a 5.5 feet side yard along the northerly property line. The placement of the house is not an issue at this time as it will be reviewed as part of the site plan review process.

A member of the public spoke about traffic that the project would generate, indicating that the additional traffic would exacerbate an existing traffic problem. Some Council members shared this concern about traffic congestion in the area, particularly as it affects drivers attempting to cross Hesperian Boulevard from side streets. Staff and the applicant were asked to further examine the traffic issues.


The main traffic issue concerns the need for a traffic signal at Hesperian and Catalpa and/or Hesperian and Tahoe. The traffic signal at Hesperian and Catalpa currently ranks No. 7 on the City's traffic signal priority list and meets the State guidelines (warrants) for signal need. However, this signal is included in the "unfunded" portion of the City's Capital Improvement Program (CIP), meaning it is outside of the five-year funding plan. At this time, there are three programmed signals and three unfunded signals ahead of the **Hesperian/Catalpa** signal. The programmed signals are located at Clawiter and Breakwater, Hesperian and Aldengate, and at Mission and Berry. The unfunded signals are located at Whipple and Wiegman, Second and Russell, and at **Huntwood** and Sandoval.

Staff also evaluated the need for a traffic signal at Hesperian and Tahoe only. By itself, this intersection would not meet the minimum warrants for a signal, due to insufficient traffic on Tahoe. The Greystone Homes project would not generate sufficient traffic to cause the need for a traffic signal at Tahoe. The most recent counts conducted by the City (October 1998) show that the maximum number of cars traveling in the eastbound direction in any given hour is less than 100.

Additionally, staff looked at the consequence of constructing both the Hesperian and Catalpa and the Hesperian and Tahoe signals. One major impediment to this approach would be cost. Staff has developed a cost estimate of about \$248,000 for both signals, or about \$155,000 for just the signal at Catalpa. The City does not presently have funds programmed to construct either or both of the signals. Since the Greystone Homes project does not trigger the need for a signal, there is no nexus to require the developer to participate. Even if a contribution were offered, the City would not be in a position to fund the remainder of the costs at this time.

The operational aspects of these traffic signal alternatives were also analyzed. A combined signal, in addition to its high cost, would not be recommended because of the delays to traffic that would occur by operating these two locations as a single signal. A signal at Tahoe cannot be recommended because it does not meet minimum warrants. If the signal at Hesperian and Catalpa were installed, ingress and egress on Tahoe would be facilitated, since the southbound traffic on Hesperian would be stopped by the signal at Catalpa. Also, there is a significantly higher volume of vehicles on westbound Catalpa needing to turn onto Hesperian, particularly in the AM peak hour (178 cars) than from Tahoe. Therefore, if there is to be a signal in the area, it should be at Hesperian and Catalpa instead of at Hesperian and Tahoe.

Prepared by:

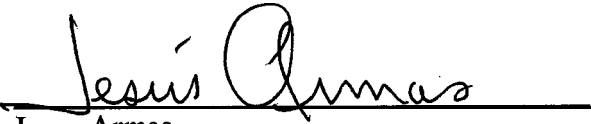

Dyana Anderly, AICP
Development Review Services Administrator

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

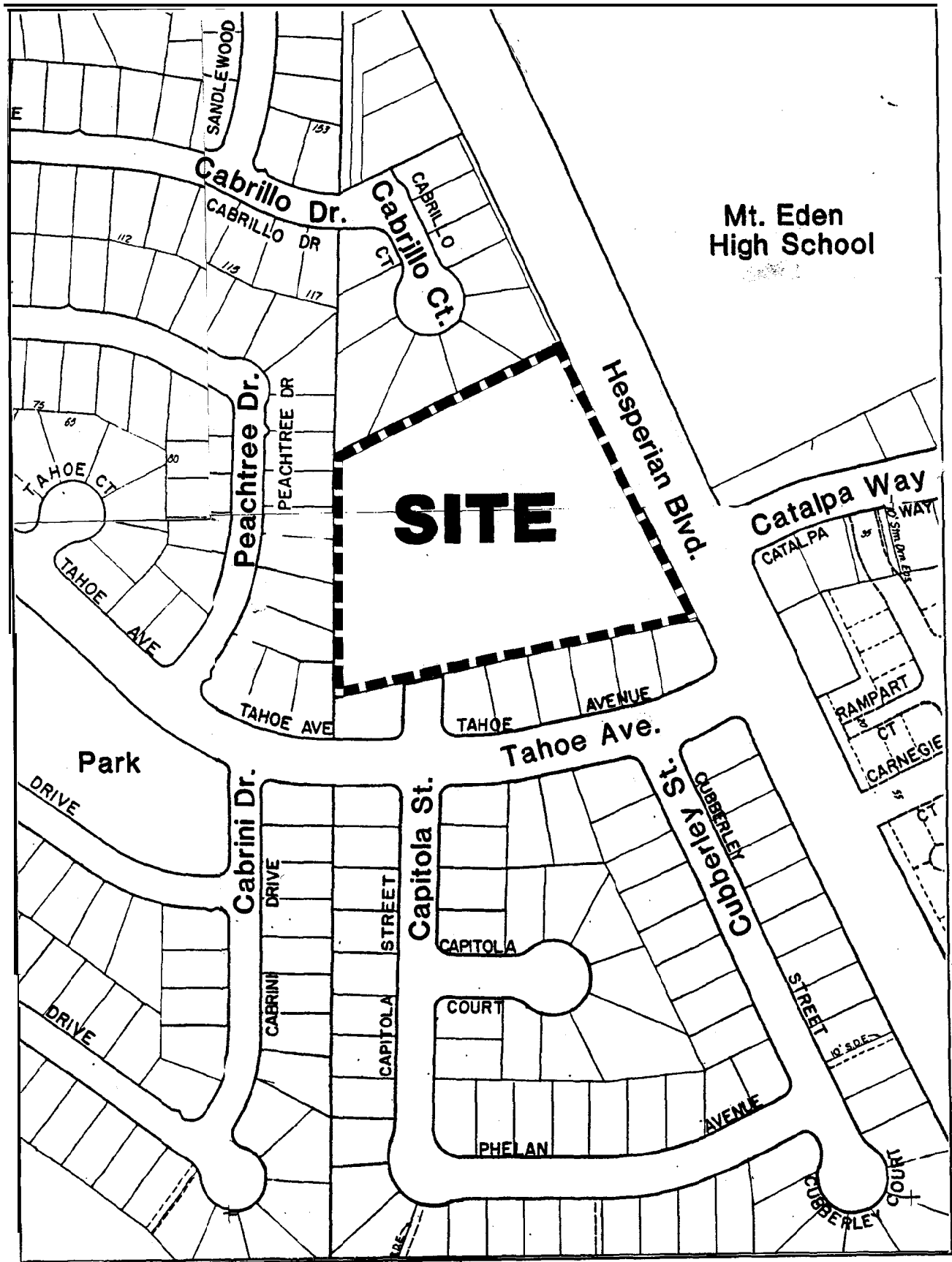


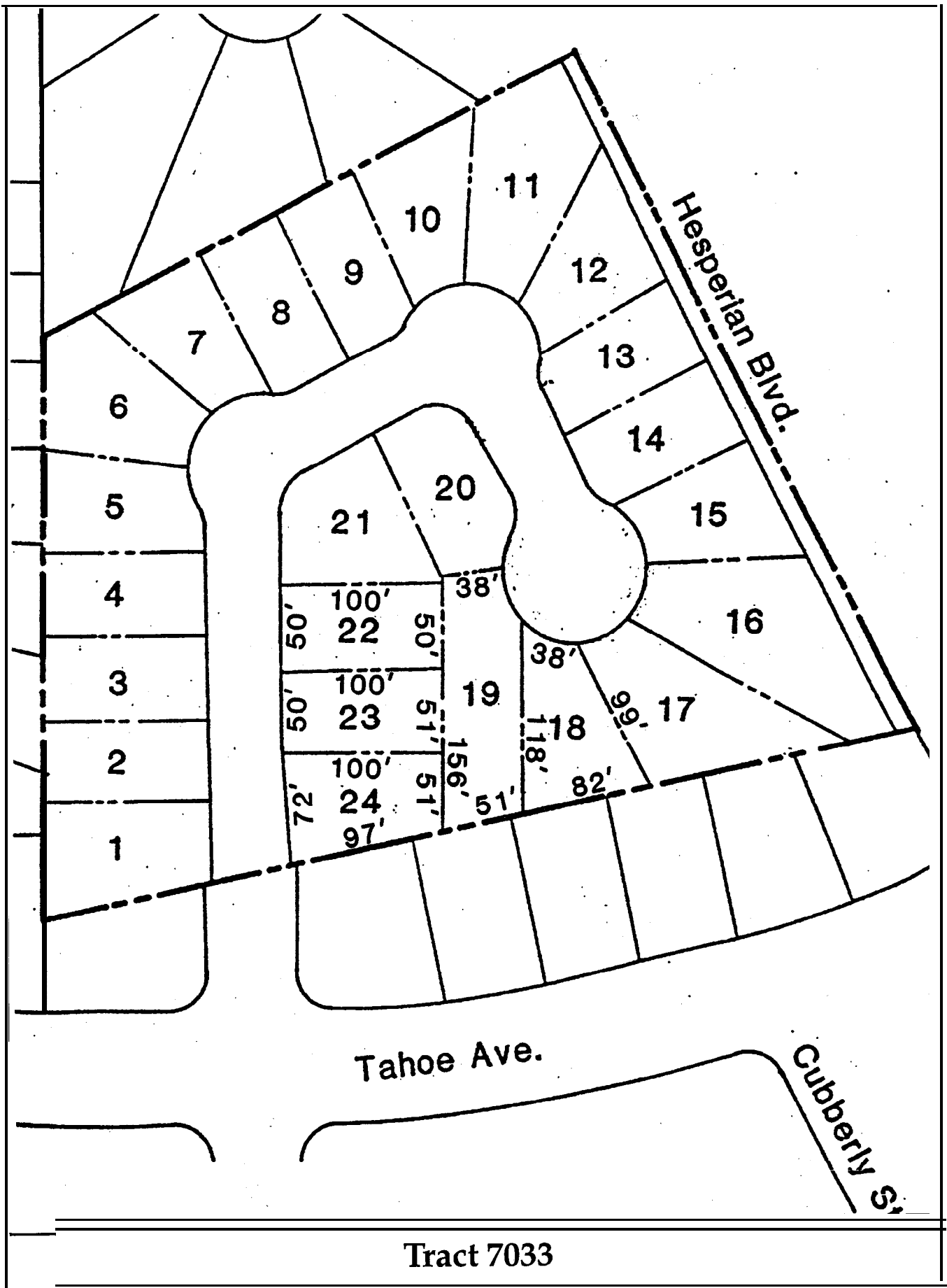
Jesus Armas
City Manager

Attachments:

- A. Area Map
- B. Conceptual Lot Layout for Tentative Map Tract 7033 – October 13, 1998
- C. Planning Commission Minutes and Staff Report dated September 10, 1998
- D. Findings for Zone Change
- E. Findings for Tentative Map
- F. Tentative Map Conditions of Approval
- G. Initial Study and Negative Declaration
- H. Draft Minutes of October 13, 1998, City Council Meeting
- I. Amended Conceptual Lot Layout for Tentative Map Tract 7033 – October 23, 1998
Draft Resolution(s)

Attachment A - Area Map for Tract 7033





conversion of the 1,504-square-foot single family home into a church and fellowship hall with a childcare nursery and preschool, and the construction of a 2,764-square-foot sanctuary. The site is located at 25906 Gading Road on the east side of the street, one lot south of the intersection of Gading Road and Huntwood Way, in a Single-Family Residential (RS) District.

Associate Planner Camire gave an overview of the project. She indicated that a church had previously been approved by the Commission. Since that time, the church has reevaluated their funding and decided that they would develop a smaller project in two phases. Phase I would include refurbishing the house on the lot for a child-care facility and multi-purpose fellowship/assembly hall. Phase II would be the addition of a church sanctuary behind the courtyard to the rear of the fellowship hall.

Public Hearing Opened at 7:46 p.m.

Daryl Hawkins, 299 Cannery Row, Monterey, architect for the project, explained the plans for remodeling the house and the addition of the sanctuary. He said the two-phase proposal was due to financial constraints. However, there may be a possibility of further funding through their denomination which would reverse the order of development of the phases for the project. The sanctuary would be built first with the fellowship hall to follow. He said they concur with the various conditions of approval except for Condition No. 5, the construction of the masonry wall on the north side as well as the south side. He said that since there would be no activity to the north, they would prefer to fix the fence and landscape. He assured the Commission that if the financing were available to build the sanctuary first, the exterior of the house would still be refurbished and landscaping would be planted. The interior remodeling would be on hold. He added that with the depth of the lot, the fire department is requiring a turn-around toward the back of the sanctuary. As a result, the church is proposing a basketball court to serve the young people of the church as well as any neighborhood residents. There would be no lighting for the basketball court and it would be inaccessible when no supervision is available.

Public Hearing Closed at 8:04 p.m.

Commissioner Bennett moved for approval of the use permit subject to the findings and conditions with the additional condition for a pedestrian accessible gate across the front of the property. Commissioner Kirby seconded the motion but asked for an additional amendment to include all of the exterior elements of Phase I if Phase II proceeds first. Commissioner Bennett agreed.

Commissioner Kirby then added that staff should work with the applicant in designing a security fence between the front and the back if the basketball court is installed.

The motion passed unanimously with Commissioners Caveglia and Fish absent.

Chairperson Williams said that anyone who was aggrieved by the decision had 10 days in which to appeal.

2. ZONE CHANGE (98-190-05) AND VESTING TENTATIVE MAP TRACT 7033 - GREYSTONE HOMES, INC. (SUBDIVIDERS); CHARLES GRIMSHAW, RONALD E. AND GRACE E. MARCIEL (OWNERS) - Request to rezone, from

the RSB6 (Single-Family Residential, 6,000 **sq. ft.** parcel minimum) District to the RS (Single-Family. Residential) District, and to subdivide one parcel totaling 4.2 acres into 24 single-family parcels ranging in size from 5,000 square feet to 9,900 square feet. The property is located in the Glen Eden neighborhood at 28191 Hesperian Boulevard, north of Tahoe Avenue, in an RSB6 (Single-Family Residential, 6,000 min. square-foot lot size) District.

Associate Planner **Tomas** made the staff presentation and asked for commission approval of the item. He prefaced his report with an update on the Western Garden Nursery. He said staff has been working to find an alternative site for the business. They identified a possible site on city property on Industrial, which would meet their needs. However, they felt the fair market value rental was beyond their budget. At this time, they are still actively looking for a site to maintain their local customer base. Development Review Services Administrator Anderly clarified that the City has provided other information on publicly and privately held sites as well but they haven't met the terms of the nursery owner.

Associate Planner **Tomas** then described the 24-house project as having minimum 5,000 square foot lots. All of the present trees on the site will be removed in conjunction with a tree replacement mitigation program. The area will be maintained by a homeowners association to be established under the conditions of approval. **Capitola** Street will be extended through the project and provide access to the homes. To address the concern about a single access, the Fire Department is requiring a hard-wired smoke detector with a separate phone line to a central station monitor. This should provide a more immediate response and quicker access to the site by the Fire Department.

In response to Commissioner Halliday's concerns regarding the responsibility for graffiti removal, Associate Planner **Tomas** said the Homeowners Association would be charged with maintaining the landscaping and maintaining the wall in a graffiti-free manner. Development Review Services Administrator Anderly added that, if the Association fails in this responsibility, the City has the ability to do the work and then place liens on the homes for it.

Public Hearing Opened at **8:30** p.m.

Donald **E.** Lapidus, Greystone Homes, 920 **Hillview** Court, Suite 280, Milpitas, developer of the project described the project in greater detail. He said the report included a study done by a professional arborist who determined that the present trees on the site were in fairly poor condition and would be replaced by a variety of three trees. He added that the street wall would be decorative and landscaped to keep graffiti to a minimum.

Commissioner Kirby commented on the awkwardness of lots 18 and 19 in which the lack of privacy could be a problem. He added that some of the problems with street trees in the past have been that they appear nice when planted but actually need deeper irrigation for deeper roots so that sidewalks aren't damaged when the roots break through.

Dennis Pulizzano, 2528 Tahoe Avenue, discussed the problem of traffic to the new development and access to Hesperian. Although the Fire Department might approve of the new alarm system, the time of response is not necessarily the main concern. Rather, the

access and freedom of movement in an emergency situation should be considered. He also questioned whether a traffic signal somewhere along Hesperian would not do more to impede that traffic flow. He wondered whether people in the neighborhood are not being asked unfairly to bear the burden of increased traffic to the benefit of a developer and new homeowners, He asked whether it is really good for the community.

Peggy Guernsey, 25236 Delmar, spoke of her concern regarding adequate parking and privacy issues, both for the new homes and the established older homes in the area. Most developments include 2-story homes, which look down on the established neighboring residents. She wondered whether the new development could be blended to look more like the adjoining neighborhood as well. She was also concerned with graffiti and how clean up would be enforced. She added that the present tenant, Western Gardens, should not be driven out.

Ping Lum, 28269 Peachtree Drive, said more cars on Tahoe would increase traffic hazards and safety concerns for residents in the area. She said the bus stop is well used and should remain at its present location. Having only one entry into the development would not be safe. Since the present **business** at this location has an entry from Hesperian, the development should as well.

Betty Kvalnes, 28282 Peachtree Drive, said she sent in a number of suggestions about the trees and would like to have a variety of those considered for replacement trees. She asked what the priority for planting those trees in the back would be and who would be responsible for caring for them.

Ann Walsh, 28299 **Capitola** Street, said she disagreed with the number of car trips cited in the report and decided to do her own count on Sunday. Within 7 minutes she counted 23 cars going by Tahoe. Already there is not enough parking to accommodate the cars. She also asked what the entrance will look like and will it blend with the neighborhood. Does the contamination in the soil extend further out into the neighborhood and has that been mitigated?

Commissioner Kirby then asked for 'more information on process for remediation of the soils on the site and whether it would be removed or blended there. He also asked how much grading would be done at the site.

Mark **Litzau**, **Harza** Engineering Co. 425 Roland Way, Oakland, responded that they had already submitted a work plan to the City for removal and blending on the site.

Paul Kruger, Wilsey Ham Civil Engineers, 2680 Bishop Dr., Suite 129, San Ramon, explained that the grading would all be done on the site with no imported **fill**.

Public Hearing Closed at **9:24** p.m.

Commissioner Kirby moved, seconded by Commissioner Bennett, to recommend to the City Council that they approve the Negative Declaration with Mitigations, and approve the rezoning and vesting tentative tract map based on the findings and subject to the conditions of approval.

Commissioner Kirby added that he was sorry to see the Western Gardens Nursery go but that this project is appropriate for the site.

In response to a question from Commissioner Bennett regarding a stop sign at Tahoe Street, Senior Transportation Planner Frascinella explained that none of the conditions have been met at the site

for a stop sign at the **Tahoe/Capitola** intersection.

Commissioner Halliday asked about staff sensitivity to the privacy issues when approving plans for second story homes adjacent to existing housing. Development Review Services Administrator Anderly said windows are looked at carefully and respect is given for neighbors' privacy as much as possible.

Commissioner Halliday then stated that it would be hard not to support the motion even regretting the loss of Western Gardens. She urged staff to continue working on their behalf in finding a new location in Hayward. She added that this parcel is zoned for single family for a number of years and in the Neighborhood Task Force Plan. She said that although traffic in general is horrendous, the additional of traffic from the project would not be excessive.

Commissioner Kirby then followed up Commissioner Halliday's comments by asking for consideration of city owned property presently underutilized with no future use in mind. He added that he was enthusiastically supporting the project but was reluctant to see the nursery leave. As an aside, he commented that smoke detectors might be a requirement on all new housing in the near future. They do not add a great deal to the cost of construction and save homeowner's on their insurance. He then asked staff to look into the possibility of an ordinance requirement.

Commissioner Rogue said he, too, felt sad about Western Gardens. He expressed concern regarding the landscaping along Hesperian and the ownership of that property. He was told that the Homeowners would own that land and would be responsible for its maintenance.

Commissioner Bennett added that it will be a nice project on land that has been zoned for this for years. It was also nice to see that staff was working to try to **find** a relocation site for the Nursery. She **said** she hopes that none of the neighbor's concerns are realized and that this will be a real part of the neighborhood.

Chairperson Williams said he agreed with his colleagues that it is sad to see Western Gardens leaving and hopes **staff** will be able to help. He added that although he is sensitive to what the speakers were saying, the Commission must follow the general policies of the City.

The motion passed unanimously with Commissions **Caveglia** and Fish absent.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

~~Development Review Services Administrator Anderly reported to Commissioners that their next meeting would be October 15. In response to questions from Commissioner Halliday regarding the timetable for approval of the zoning ordinance, she explained that the Council will be holding a work session next Tuesday and then staff will be meeting with community members and groups. They are expecting final resolution by the end of the year.~~

4. Commissioners' Announcements, Referrals

~~Commissioner Kirby announced that there will be a ceremony on October 17 to dedicate another~~



ITEM NO: 2

AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD

MEETING OF:
September 10, 1998

TO: Planning Commission

FROM: Matt Tomas, Project Planner
Tim Koonze, Development Review Specialist

SUBJECT: ZONE CHANGE (98-190-05) AND VESTING TENTATIVE MAP TRACT 7033 – GREYSTONE HOMES, INC. (SUBDIVIDERS); CHARLES GRIMSHAW, RONALD E. AND GRACE E. MARCIEL (OWNERS) - Request to rezone, from the RSB6 (Single Family Residential, 6000 sq. ft. parcel minimum) District to the RS (Single Family Residential) District, and to subdivide one parcel totaling 4.2 acres into 24 single-family parcels ranging in size from 5,000 square feet to 9,900 square feet.

The property is located in the Glen Eden neighborhood at 28191 Hesperian Boulevard, north of Tahoe Avenue, known as the Western Garden Nursery property.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council:

1. Approve the attached Negative Declaration with Mitigations, finding that the documents are complete and final in accordance with the California Environmental Quality Act Guidelines and reflect the independent judgement of the Planning Commission; and
2. Approve the rezoning and vesting tentative tract map, based on the attached findings and subject to the proposed conditions of approval.

DISCUSSION

Background

The Glen Eden Neighborhood Plan was adopted in October 1996. This planning effort provided the neighborhood an opportunity to review land use policies and other General Plan policies for the larger neighborhood including the subject site. The Neighborhood Plan reaffirms the neighborhood's preference for single family development on the site and did so by maintaining both the General Policy Plan land use designation (LOW DENSITY RESIDENTIAL 4.3 – 8.7 units per net

acre) and the zoning district (RSB6) which was in place at the time the plan was adopted. Greystone Homes (the developer/applicant) proposes to create 24 single family lots, which is consistent with the Low Density Residential land use designation. A rezoning is also proposed from RSB6 to RS to accommodate the 5,000 square foot parcels. The RS zoning district does not conflict with the Low DENSITY RESIDENTIAL general plan designation.

Property/Project Description

The site is an irregularly shaped, 4.2-acre parcel located on the western side of Hesperian Boulevard across from Catalpa Way and north of Tahoe Avenue. The site presently accommodates an active retail nursery with several buildings and trellis structures used for plant sales, miscellaneous storage and an office building. A fenceline separates the nursery buildings from a paved parking area on the eastern side of the site. A water well was identified near the northeastern corner of the property. Two septic tanks and associated lea&fields are located near the northwestern and southeastern corners of the site. Two small abandoned fuel tanks are located in the southwestern corner of the property. These items will be addressed as part of site remediation work prior to construction.

The project, as shown in Figure 1, consists of subdividing one 4.2-acre parcel into 24 single-family lots ranging in size from 5,000± square feet to 9,900± square feet. The lots will be served by extending Capitola Street north of Tahoe Avenue into the project site. All parcels conform with the RS (Single Family Residential) zoning district regulations and no variances are sought. Because no variances are involved, the Planning Commission action is typically final unless appealed to the City Council. However, because a zone change is involved, both the zone change application and the tentative map will come before the City Council.

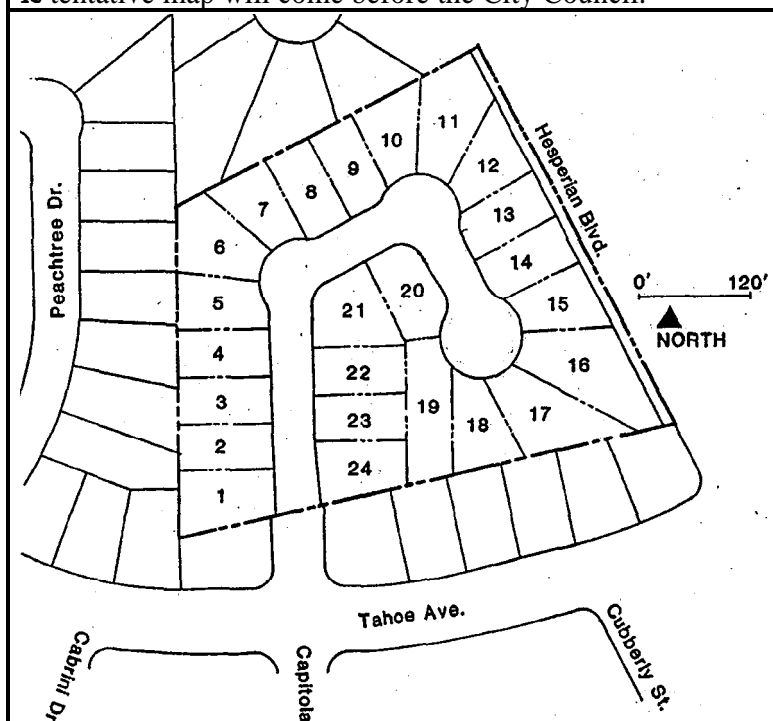


Figure 1 – Conceptual Lot Configuration for Tract 7033

The applicant/developer does not have house designs at this time. If the house designs meet all Hayward Design Guidelines, they may be administratively approved. If there is any controversy over the design, the homes would be referred to the Planning Commission for review and approval.

Surrounding; Land Uses

The property is bounded on the south and west by one and two story single-family homes zoned RS (5,000 minimum square foot lot size) on the north by single-family homes zoned RSB6 (6,000 minimum square foot lot size) and on the northeast by Hesperian Boulevard. Across Hesperian Boulevard, to the northeast is Mt. Eden High School and a residential area with a variety of residential zoning.

DISCUSSION OF PLANNING ISSUES

A. Conformance to the General Plan/Neighborhood Plan

The General Policies Plan Map designates this area **LOW DENSITY RESIDENTIAL** (4.3 to 8.7 dwelling units per net acre). The project (7.1 units per net acre) complies with the plan designation.

The proposed project is subject to the policies contained in the Glen Eden Neighborhood Plan, which was adopted by City Council on October 1, 1996. The Glen Eden Neighborhood Plan sets forth the following land use policy:

Maintain the overall single-family character of the neighborhood and enhance property values within the study area.

Glen Eden Neighborhood Plan land use strategies include:

Require future residential development to be compatible with the surrounding neighborhood.

Retain the current Low Density Residential designation and single-family zoning for the vacant lot on . . . the property on Hesperian Boulevard now occupied by the Western Garden and Nursery.

Although the developer is requesting to rezone the property, the proposed zoning is still consistent with the policy of the Neighborhood Plan to preserve the single family character of the neighborhood. The existing RSB6 zoning district reflects the zoning to the north. However, the predominant zoning district in this area, on the western and southern sides of the project, is the RS zoning district as shown in Figure 2. Developing the project site at the RS standards is still consistent with the overall policy intent of both the General Plan and Neighborhood Plan and does not create any conflicts with adopted policy.

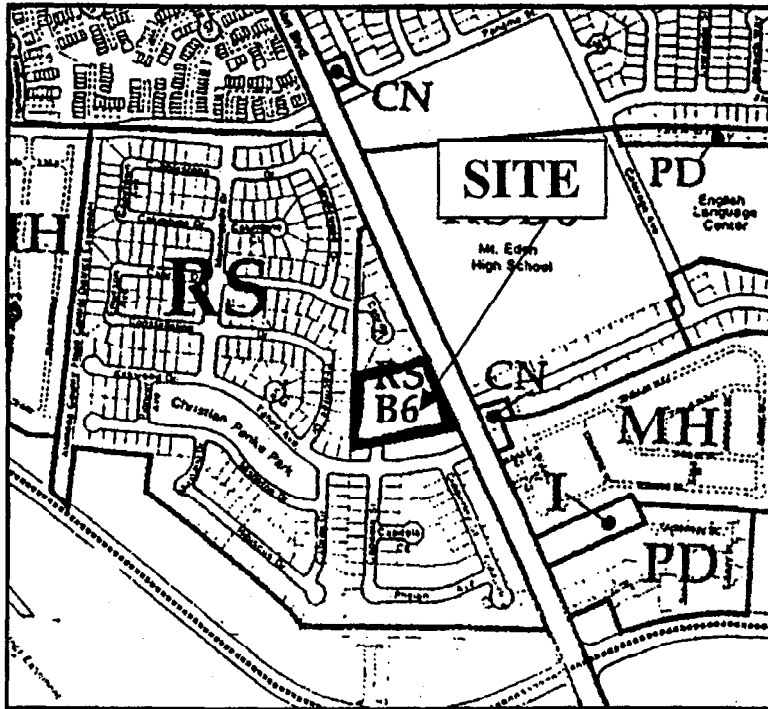


Figure 2 – Zoning On and Around Tract 7033

Under the Circulation Element of the Glen Eden Neighborhood Plan there is the following strategy:

Pursue funding for installation of traffic signal at Hesperian and Catalpa/Tahoe.

Evaluate the need for stop signs or yield signs at Tahoe and Capitola.

A traffic signal is proposed for the Hesperian and Catalpa/Tahoe intersection and at present is within the top ten items on the City's Traffic Signal Priority List. It is anticipated that this signal may be implemented within the next five years, should funding become available. Staff is currently researching several funding options. Traffic engineering staff concludes that the project-generated traffic, in addition to existing traffic in the area does not warrant the need for a stop sign at the Tahoe/Capitola intersection.

DESCRIPTION OF VESTING TENTATIVE MAP PLANS

A. Streets

1. Interior Street

The lots within the tract will be served by the proposed extension of Capitola Street. The street will be a public street and will be constructed to public street standards. The right-of-way will be 46-feet-wide with a curb-to-curb width of 36 feet providing for two travel and parking lanes. There will be a 4.5-foot sidewalk on either side of the street.

Although there is no secondary access to the site for fire apparatus, the developer has agreed to install a hard-wired smoke detector in each residential dwelling and a central station monitor to provide extra fire protection.

2. Hesperian Boulevard

Hesperian Boulevard will be improved with curb, gutter, sidewalk and tie-in paving across the property frontage.

The owner will dedicate a 10-foot strip of land across along the Hesperian Boulevard frontage for landscaping which will be maintained by the project's homeowner's association.

A traffic noise assessment study, which is attached, recommends a minimum 7-foot high acoustically-effective barrier along the Hesperian Boulevard property line and wrapping around the boundary at the north and south ends. The developer is proposing a precast concrete sound wall offset 2 feet every 34 feet. In order to achieve acceptable interior noise levels, the recommendations of the noise assessment pertaining to window rating and air tight seals will be implemented. Although typical walls are 6 feet high, the Zoning Ordinance allows walls up to 8 feet high when abutting arterials streets, such as Hesperian Boulevard. A 10-foot wide landscaping strip between the soundwall and Hesperian Boulevard sidewalk will be dedicated as common area to be maintained by the Homeowners Association.

B. Utilities

All utilities will be designed and constructed to City standards, and upon acceptance, will be maintained by the City. The proposed 8-inch diameter water main will be installed that connects the existing 6-inch diameter water main within Capitola Street to the existing 12-inch water main within Hesperian Boulevard. The water mains will be a public main designed and constructed to City standards. A proposed 8-inch diameter sanitary sewer main will be installed that connects to the existing 8-inch diameter main within Capitola Street. A proposed 15-inch diameter storm drain line will be installed to convey storm drain water to the existing 15-inch diameter storm drain system within Capitola Street and Tahoe Avenue.

C. Grading

It is anticipated that only minor grading will be required for development of the property. The proposed minimal grading to be done in conjunction with the subdivision will not interfere with the existing drainage patterns of the adjacent sites nor will the development augment drainage to the surrounding area.

D. Soils, Geology

A geotechnical investigation was performed on the site. The property is not within an active fault area. Existing soils consist of course-grained alluvium. The report does not reflect any significant soils problems, and contains recommendations for grading and foundation design. These recommendations will, become a guideline in the formulation of procedures for site preparation and the design of foundations.

Contaminated soils exist on the site as a result of activities relating to a former. dairy. Additional contamination is present due to previous chemical insecticide production activities related to the nursery operations. A Phase I preliminary site assessment and a site remediation work plan have been prepared for the site to address the contaminants identified in shallow soils in the western portion of the site, and contaminants in soil and ground water on the southern end of the site in the vicinity of the former dairy farm. The conditions of approval require the developer to resolve all contamination issues to the satisfaction of the Alameda County Health Care Service Agency and the City prior to any construction activities.

Environmental Review

Consistent with State CEQA and City Guidelines, a Negative Declaration with Mitigations was prepared and circulated for a period of 20 days beginning on August 21, 1998. A copy of the Negative Declaration and Initial Study are attached along with the supplemental studies on soil contamination, noise, and the existing trees. In regards to mitigating possible noise impacts, the noise study recommends installation of a minimum 7-foot solid wall along the Hesperian Boulevard frontage. Additionally, to bring interior noise of the future new homes to within acceptable levels, the use of acoustically-sealed windows, rated appropriately, are recommended

Public Hearing Notice

On August 21, 1998, a notice of the Planning Commission public hearing was mailed to all property owners and occupants within 300 feet of the property, other interested parties and former members of Glen Eden Neighborhood Task Force. On this same date, a public hearing notice was published in the "Daily Review."

Preliminary Meeting

On May 19, 1998, a preliminary neighborhood meeting was held with the subdivider. The notice of the meeting was sent to all property owners within the 300-foot radius of the subdivision, concerned citizens and the abutting tenants. Ten neighboring residents and interested parties attended and voiced concerns about the proposed project including project-related traffic, the retention of existing trees, conceptual house designs and possible affects on privacy.

Project Circulation and Access - One neighbor was concerned about the possible need for more than one entrance. The issue regarding secondary access was discussed by city staff because of concerns regarding emergency vehicle access and overall circulation in and around the project

site. Transportation Planning staff does not support a secondary access for two reasons. First, from a trip generation perspective, the estimated 24 peak hour trips that would be generated by the project does not warrant additional access. Secondly, any additional access would have to be from Hesperian Boulevard. If this occurred, other circulation problems may be created due to: 1) the existing configuration of the **Catalpa/Hesperian** and **Tahoe/Hesperian** intersections and 2) the high volumes and speed of traffic on Hesperian Boulevard.

The Hayward Fire Department also considered the possible need for secondary access primarily for emergency vehicle access. After review of the noise report, it was concluded that any breach in the soundwall along Hesperian would defeat the primary purpose of the wall as a way to mitigate noise impacts. The Fire Department is requiring the installation of a hard-wired fire detection system in-lieu of a secondary access.

Tree Removal and Replacement - The existing trees on the site are proposed to be removed, however, a tree replacement mitigation has been developed to address the loss of trees. Twenty 24-inch box *Myoporum laetum* “Carsonii,” are required to be planted. This particular tree was suggested by one property owner as an acceptable replacement tree and has been recommended by the City’s Landscape Architect.

House Designs and Privacy - The developer will be submitting house designs in the future. If the house designs meet all Hayward Design Guidelines, they may be administratively approved. The designs would be circulated to property owners and residents within 300 feet of the project. If there is any controversy related to the proposed designs they will be referred to the Planning Commission for review and approval. Some residents voiced concerns at the preliminary meeting regarding affects on privacy from two story homes. Although the RS district allows up to 30-foot high houses, staff typically review the designs to address privacy concerns that could be created from the placement of side and rear windows on new homes.

B. Conformance to the Zoning Ordinance

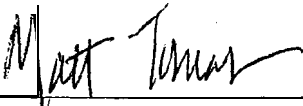
The proposed project requires a zone change from RSB6 (Single-Family Residential, 6,000-square-foot minimum) District to RS (Single-Family Residential, 5,000-square-foot minimum). The proposed zone change to the RS District is compatible with the existing General Plan designation of **Lo w D ENSITY RESIDENTIAL**.

CONCLUSION

The proposed zone change and subdivision with the proposed conditions of approval is in conformance with the General Plan and the intent of the Glen Eden Neighborhood Plan.

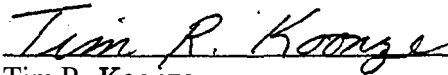
Planning Commission Staff Report for Zone Change 98-190-k and Vesting Tentative Tract Map 7033:
Greystone Homes, Inc. (Applicant); Steve Delva and Don Lapidus (Owners)

Prepared by:



Matt Tomas
Project Planner

and



Tim R. Koonze
Development Services Specialist

Approved by:



Dyana Anderly
Administrator, Development Review Services

Attachments:

- A. Vicinity Map
- B. Findings for Zone Change 98-190-05
- c. Findings for Approval: Tentative Tract Map 7033
- D. Conditions of Approval: Tentative Tract Map 7033
- E. Negative Declaration
- F. Site Remediation Plan by: **HARZA** Engineering, Dated: June 30, 1998
- G. Traffic Noise Assessment by: Edward L. Pack Associates, Dated: June 24, 1998
- H. Tree Report for Western Garden Nursery by: **HORTSCIENCE**, Dated: June, 1998
- I. Letter from Ann Walsh, property owner, received August 27, 1998

A. M. Walsh
28299 Capitola Ct
Hayward Ca 94545
(510) 783-7560

August 26, 1978

To: City of Hayward
Staff

Planning Commission
Council

Re: Tentative tract 70-33/20-98-190-05-
~~Western Packer Nursery~~

ATTN: Matt Tomas

I believe the above project will be an asset to our neighborhood. However, I would like to express my concerns:

a. Trees

If not maintained properly (or perhaps removed), the row of large eucalyptus trees located on the nursery's western property line could create a threat to present and future homeowners. Thus, constituting a possible financial responsibility and legal liability for the new property owners whose back yards embrace these trees.

b. Sidewalks

The Capitola stub street contains a 5-foot curb island and a 47-inch sidewalk. The plans for the new project indicate the sidewalk is on, or to the edge of the curb (no island). The adjoinment of the two sidewalks should be safe, functional, and aesthetically pleasing.

C-13

c. Ingress/Egress

Will the extended 36-foot Capitola stub street be adequate to serve as the sole ingress/egress for the proposed 24-home cul-de-sac? It is considerably narrower than its cross street, Lake Avenue.

• Could this single entrance/exit turn out to be a crippling bottle neck in the event of a fire, earthquake or other emergency?

d. Parking

My home is located at 28299 Capitola St, the westerly corner of the Capitola stub street and Tahoe Avenue intersection. Presently, my house is the only existing home facing onto the Capitola stub street, and addressed as Capitola St.

The side yard of the residence located at 2541 Tahoe Avenue (on the easterly corner of the Capitola stub street and Tahoe Avenue intersection) is directly across the street from my front yard.

The rumor is that the parking on front of my home is to be eliminated. Hopefully, this is only hearsay. This parking area is important to me for security and convenience

(3)

reasons, and to maintain the value of my home (~~total~~ value).

A measurement of the parking spaces on the southeast and southwest corners of the Tahoe/Capitola intersection, reflects these spaces to be comparable in size and distance from the driveways and corners to that in front of my home, apparently standard.

C-14

e. Signage

With the additional traffic generated from the new project, perhaps appropriate signage would be in order at the Capitola/Tahoe intersection.

f. Utility Pole (Telephone pole)

There is one utility pole with overhead wiring located on the north side of my driveway in the curb

(4)

RECEIVED

AUG 27 1998

Community & Economic Development

Dear Matt,

I enjoyed talking to you yesterday.
Time marches on, but some things
never change.

Hope this letter makes sense and
you can read my handwriting.
I'm at a complete loss without
a computer. One of these days
I am going to light in one spot
and chisel in one.

If you have any questions, please
call me-- I will be in town for a
few more days. (783-7560)

I'm hoping to attend the Planning
Commission meeting, but that depends
on how my Oregon patients are doing.

Thank you for your help.
June Walsh
(over)

I asked one of the old timers and a
long-time employee of Western
Garden Nursery (now retired) if
there is any historical value for
the old house on the nursery.
She said that Emmshaw lived
in it for years. Later it was
used as a groundsman's home,
then offices and now storage.

She wasn't much help in
regard to the house, but
she filled me in on part
Nursery history and gossip.
Now I have a cauliflower ear.

C-15

ATTACHMENT D

FINDINGS FOR APPROVAL

Zone Change No. 98-190-05

28191 Hesperian Boulevard

Greystone Homes, Inc. (Applicant),

Charles Grimshaw, Ronald E. and Grace E. Marciel (Owners)

Based on the staff report and the public hearing record:

- A. That the City Council approve the Negative Declaration, finding that the document is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgement of the City Council based on the fact that the project could not have a significant environmental impact subject to the mitigation measures.
- B. The development is in substantial harmony with the surrounding area and conforms to the Housing Element of the General Policies Plan and the Glen Eden Neighborhood Plan in that the construction of 24 single-family homes will maintain the single-family character of the area.
- C. Streets and utilities, as conditioned, are adequate to serve the development.
- D. The development, as conditioned, will create a residential environment of sustained desirability and stability, that existing public facilities, such as schools, playgrounds, and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

FINDINGS FOR APPROVAL
Vesting Tentative Tract Map 7033

Request to subdivide one 4.2 acre parcel **into** 24 single-family parcels **ranging** in size from **5,000±** square feet to **9,900±** square feet.

Based on the public hearing record, the Planning Commission **finds** as follows:

- A. The vesting tentative tract map, for 24 single-family residential lots, as conditioned, has been found by the Planning Commission to be in substantial conformance with the project reviewed under the attached mitigated Negative Declaration, which reflects the independent judgement of the Planning Commission.
- B. The proposed subdivision is consistent with the General Policies Plan and the City's Subdivision Regulations, in that it is compatible **with** the objectives, policies, and the general land use and programs specified in the General Plan.
- C. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
- D. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
- E. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- F. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems..
- G. Upon completion and implementation of the required mitigation measures and proposed conditions of approval, the streets and utilities would be adequate to serve the development.

Attachment F

CONDITIONS OF APPROVAL Vesting Tentative Map Tract 7033

As approved by the Planning Commission on September **10, 1998**

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code - Chapter 10, Article 3, and Standard Specifications and Details - unless otherwise indicated hereinafter.

All design work shall be performed by the subdivider's engineer unless otherwise indicated.

I. PRIOR TO THE RECORDATION OF THE FINAL MAP

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Interior Public Street

1. The proposed public street shall have a 46-foot-wide right-of-way and shall be constructed to public street standards incorporating a 36-foot-wide curb-to-curb section that provides for two 10-foot-wide travel lanes and an 8-foot-wide parking lane on each side of the street, **4.5-foot-wide** sidewalk abutting the back of curb, and 6-foot-wide public utility easement abutting the right-of-way on both sides. The street design is to be approved by the City Engineer. Upon acceptance of the public improvements the street shall be a public street owned and maintained by the City of Hayward.
2. The two street knuckles and cul-de-sac shall be designed to conform to City of Hayward standard details.

Hesperian Boulevard

3. The Hesperian Boulevard frontage shall be improved with a **5.5-foot-wide** sidewalk abutting the back of curb. Sidewalk transitions shall be approved by the City Engineer.
4. Curb and gutter shall be replaced as determined by the City Engineer. Any tie-in pavement along Hesperian Boulevard and at the **Capitola** Street connection shall be in conformance with the City Standard Detail SD-1 13. Existing pavement abutting the tract boundary shall be overlaid or rebuilt to conform to the new grade at the centerline. The limits of the tie-in paving shall be approved by the City Engineer.

5. A 10-foot-wide landscape area between the wall and the Hesperian Boulevard frontage shall be improved with landscaping and irrigation. It shall be maintained as part of a Landscape and Lighting District or some other maintenance mechanism formed as a condition of this subdivision.

Storm Drainage

6. The storm drainage system shall be designed in accordance with the requirements of the City of Hayward. Hydraulic calculations for the proposed storm drainage system shall be provided for the entire tract. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after the construction phase, shall be submitted for review and approval of the City Engineer. The plan shall also reflect the Best Management Practices Handbook for Construction Activities. It is the responsibility of the applicant/developer to comply with Federal, State and local water quality standards and regulations.
7. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
8. The project plan measures shall include erosion control measures, to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
9. **The applicant/developer** is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction **BMPs** will result in the issuance of correction notices, citations, or a project stop order.
10. All on-site storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
11. The drainage system design shall use the Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition, to determine storm drainage runoff. The drainage system shall be designed to accommodate the run-off associated with a 10-year storm.
12. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted to the County of Alameda Public Works Agency and/or the City Engineer for review and approval.
13. Upon acceptance by the City, the storm drain system shall be a public system owned and maintained by the City of Hayward.

Sanitary Sewer

14. The sanitary sewer system shall be designed in accordance with the requirements of the City of Hayward. It shall be located in the center of the proposed public street. The alignment shall be straight-line and manholes shall be constructed at every change in grade or direction. A sanitary sewer manhole shall be constructed at the end of the cul-de-sac.
15. Each dwelling unit shall have a separate lateral connection to the public main.
16. Upon acceptance by the City, the sanitary sewer system shall be a public system owned and maintained by the City of Hayward.

Water System

17. The water main system shall be designed in accordance with the requirements of the City of Hayward Water and Fire Departments. The minimum separation between the water main and sanitary sewer main shall be 10 feet; separation between the water service line and sanitary sewer lateral shall be a minimum of 6 feet.
18. The water main system shall be designed to be a looped system. Any proposed water main easement shall be a minimum of 12 feet wide and in a location where future structure construction is absolutely restricted.
19. Each dwelling shall be individually metered.
20. Upon acceptance by the City, the water system shall be a public system owned and maintained by the City of Hayward.

Fire Protection

21. The type and spacing of fire hydrants shall be subject to review and approval by the City of Hayward Fire Chief.

Utilities

22. The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities (i.e., telephone and electrical poles), including transformers on the sites.
23. The construction plans shall indicate the location of the sewer laterals and water services (including meter locations).
24. All surface-mounted utility hardware (Le., fire hydrants, electroliers) along the proposed streets shall be located outside of the sidewalk within the **6-foot-wide** Public Utility Easement in accordance with City Engineer requirements or, where applicable, the Fire Chief.

25. A street light plan shall have been prepared according to the criteria and standards stated in the City's standard SD-120, and approved by the City.
26. All service to dwellings shall be an "underground service" in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and TCI Company regulations.
27. An underground electric system including underground transformers shall be installed within the tract. Design and installation shall be in accordance with Pacific Gas and Electric Company regulations.
28. An underground telephone system shall be installed within the tract. Design and installation shall be in accordance with Pacific Bell Company regulations.

Landscaping

29. A street tree plan and detailed landscaping and irrigation plans for the landscape area between the wall and the sidewalk along the Hesperian Boulevard frontage shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Landscaping and irrigation plans shall comply with the City's ***Water Efficient Landscape Ordinance***.
30. Buffer landscaping, including trees, shrubs and vines, shall be planted in front of the soundwall along Hesperian Boulevard. One 24" box street tree shall be provided for every 30 feet of frontage on Hesperian Boulevard. Trees shall be planted according to the City Standard Detail SD-122.
31. All common. area landscaping, irrigation and other required improvements shall be installed according to the approved plans prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.

walls

32. All proposed retaining walls shall be decorative reinforced concrete.
33. A 7-foot-high decorative concrete sound wall shall be installed along the Hesperian Boulevard frontage per the noise study identified as ***Traffic Noise Assessment Study for the Planned Single-Family Development, Tract 7033, Western Garden Nursery Site, Hesperian Boulevard, Hayward***, by Edward L. Pack Associates, Inc., dated June 24, 1998. The wall location shall comply with the noise study and shall be approved by the City Engineer. The design of the wall shall be decorative and shall be approved by the Planning Director. It will be owned by the abutting property owners but the wall exterior facing Hesperian Boulevard shall be maintained (including graffiti removal) by the Landscape and Lighting Assessment District to be created for this subdivision.

Dedications and Easements

34. All abutters' rights along the Hesperian Boulevard frontage shall be relinquished to the City of Hayward.
35. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

Landscape **and** Lighting Assessment District

36. The applicant/developer shall agree to the formation of a Landscape and Lighting Assessment District (LLD) or any other maintenance mechanism to maintain the landscaping, irrigation, and the exterior surface of the 7-foot-high decorative sound wall (including graffiti removal) along the Hesperian Boulevard frontage. The applicant/developer shall deposit \$10,000 with the City of Hayward for the formation of the LLD. Monies left over after the formation of the district will be returned to the developer. Subject to the approval of the City, the applicant/developer shall prepare a written document disclosing the special assessment district and the estimated annual assessment to potential buyers that includes automatic annual increases equal to the Consumer Price Index (CPI).
37. The applicant/developer shall maintain the landscaping, irrigation and the exterior surface of the 7-foot high decorative sound wall (including graffiti removal) for a minimum of one year following acceptance of tract improvements. The City may require a security deposit, bond, or surety to guarantee the maintenance of the landscaping.
38. Landscaping shall be maintained in a healthy, weed-free condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City's Landscape Architect.

Subdivision Agreement

39. The applicant/developer shall enter into a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO ISSUANCE OF A GRADING PERMIT

40. Notwithstanding Section 10-8.11(g) of the Municipal Code, a grading permit shall be required for any on-site grading if the grading is to be done independent of the subdivision's improvement plans. No grading permit shall be issued prior to tentative tract map approval.

Conditions of Approval for Vesting Tentative Tract Map 7033 - Greystone Homes, Inc. (Subdividers); Charles Grimshaw, Ronald E. and Grace E. Marciel (Owners)

41. The grading plan, with supporting calculations, and a review checklist shall be submitted to the City Engineer for review and approval. The proposed curb elevations are not to be less than 1.25 feet above hydraulic grade line, as shown in Figure 14 of the Hydraulic Criteria Summary, and at no point shall curb grade be below the energy grade line.
42. The applicant/developer shall submit a construction Best Management Practice (**BMP**) program for review and approval by the City prior to the issuance of any building or grading permits. These **BMPs** shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction **BMPs** will result in the issuance of correction notices, citations or a project stop work order.
43. Grading, erosion and sedimentation control plans, which include adequate provisions for silt and erosion control in both construction and post construction phases of development, shall be submitted for review and approval by the City Engineer.
44. All contamination issues should be resolved to the satisfaction of the Alameda County Health Care Service Agency, California Regional Water Quality Control Board (San Francisco Bay Region) and the City of Hayward Fire Department prior to any construction.

Trees

45. A tree removal permit is required prior to issuance of a grading permit or commencement of grading if the grading is to occur as part of the subdivision. The row of Eucalyptus trees to be removed along the western property line shall be removed.
46. Within 60-days after the issuance of a tree removal permit the row of Eucalyptus trees shall be replaced with twenty **24-inch** box Myoporum laetum 'Carsonii' or as approved by the City Landscape Architect. The trees shall be planted a minimum of 5 feet from the fence or retaining wall. Three trees shall be planted on each of Lots 2-5, and four trees shall be planted on Lots 1 and 6.

PRIOR TO ISSUANCE OF BUILDING PERMITS

Building Design

47. The windows of the second floor living spaces within 235 feet of the centerline of Hesperian Boulevard shall be designed and installed as recommended **in the Traffic Noise Assessment Study for the Planned Single-Family Development, Tract 7033, Western Garden Nursery Site, Hesperian Boulevard, Hayward**, by Edward L. Pack Associates, Inc., dated June 24, 1998.
48. Every residential dwelling shall have smoke detectors installed per the Uniform Building Code. The smoke detectors shall have hard-wire installation with a battery back-up and central station monitoring. Design to be approved by the Fire Chief.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

49. All project construction shall comply with the Uniform Building Code, Uniform Plumbing and Mechanical Code, Uniform Fire Code and the City's Security Ordinance.

DURING CONSTRUCTION

50. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/Planning Director:
- a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or National holidays;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment shall be prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
 - f. Daily clean up of trash and debris shall occur on Capitola Street, Tahoe Avenue and Hesperian Boulevard;
 - g. The site shall be watered twice daily during site grading and earth removal work, or at other times as needed to control dust emissions;
 - h. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - i. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - j. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - k. Sweep adjacent streets daily (with water sweepers) if visible soil material is carried onto adjacent streets;
 - l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);

- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (i.e., dirt, sand); and
 - n. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
51. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
52. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
53. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
54. Install filter materials (i.e., such as sandbags, filter fabric) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15); 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
55. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
56. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or *stream*. See "*Building Maintenance/Remodeling*" flyer for more information.
57. Ensure that **concrete/gunite** supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
58. No site grading **shall** occur between October 15 and April 15 unless approved erosion control measures are in place.
59. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board,
60. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.

61. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

62. The applicant/developer shall pay the following fees:
- a. Water Facilities Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued;
 - b. Sewer Connection Fee for each dwelling unit at the rate in effect when utility service permit for the dwelling unit is issued;
 - c. Park Dedication in-lieu fee for each unit. As per the City's Parkland Dedication Ordinance, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits; and
 - d. Supplemental Building Construction and Improvement Tax for each unit. The amount of the tax shall be in accordance with the City's Fee Schedule in effect at the time of **issuance** of the building permits.
63. **Private** front and side street yard landscaping and street trees shall be installed prior to occupancy of each lot, unless otherwise approved by the City's Landscape Architect.
64. Front yard landscape and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy of any units.
65. A covenant shall be recorded with each lot requiring property owner to properly maintain private street trees (where located in the front and side street yards) and rear yard trees and provide replacements where necessary.
66. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required trees that are severely topped or pruned shall be replaced immediately, as determined by the City's Landscape Architect.
67. The street light electroliers shall be in operating condition as approved by the City Engineer.
68. There shall be clear, unequivocal constructive notice placed on the title to the affected properties stating that in the event that the subject homes are rented, leased, or otherwise let for occupancy by persons other than the owners, owners shall provide notices relative to the fire suppression water system and the domestic water system to the prospective tenants, leases, and occupants.

69. The applicant/developer shall install hard wired smoke detectors with battery back-up and central station monitoring in each residential dwelling. The smoke detectors shall be operational and approved by the Fire Chief.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

70. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and the completion attested to by the City Engineer before approval of occupancy of any unit within the relevant phase. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
71. An AC overlay along **Capitola** Street, Tahoe Avenue and Hesperian Boulevard frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
72. The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and TCI Company shall be installed to the satisfaction of the respective companies.
73. The subdivider shall submit an “as built” plan indicating the following:
- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, TCI, etc.;
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - c. The soils engineer shall supply the City with “as built” drawings and reports of soil and underdrain conditions to assure proper documentation of the situation after completion.
74. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
75. A Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to acceptance of landscape improvements.

10/22/98



CITY OF HAYWARD
NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed' project:

I. ***PROJECT DESCRIPTION:***

VESTING TENTATIVE MAP TRACT 7033 AND ZONE CHANGE NO. 98-190-05 – GREYSTONE HOMES, INC. (SUBDIVIDERS); CHARLES GRIMSHAW, RONALD E. AND GRACE E. **MARCIEL** (OWNERS) - Request to rezone, from the RSB6 (Single-Family Residential, minimum 6,000 sq. ft. parcel) District to the RS (Single-Family Residential) District, and to subdivide one parcel totaling 4.2 acres into 24 single-family parcels ranging in size from 5,000 square feet to 9,900 square feet.

The property is located in the Glen Eden neighborhood at 28191 Hesperian Boulevard, north of Tahoe Avenue, in an RSB6 (Single-Family Residential, minimum 6,000 square-foot lot size) District.

II. ***FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

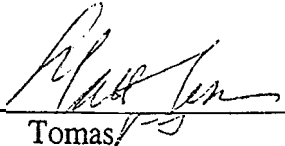
The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

III. ***FINDINGS SUPPORTING DECLARATION:***

1. The soil contamination on the project site will be fully mitigated as recommended in the Site Remediation Report by HARZA Engineering, dated June 30, 1998.
2. Noise levels will be within the standards for residential development as established by the City of Hayward Noise Element. Noise levels will be achieved through the recommendations found in the Traffic Noise Assessment by Edward L. Pack Associates, dated June 24, 1998.
3. The existing trees on the site will be removed but will be replaced as required by the City of Hayward Landscape Architect.
4. The proposed project, including the rezoning from RSB6 (Single-Family Residential, minimum 6,000 square feet parcel) District to RS (Single-Family

Residential, minimum 5,000 square feet parcel), is consistent with the City of Hayward General Policies Plan and the Glen Eden Neighborhood Plan in that the project maintains the single-family character of the neighborhood.

l-v. PERSON WHO PREPARED INITIAL STUDY:



 M a t t Tomas
 Associate Planner

Dated: August 21, 1998

V. COPY OF INITIAL STUDY IS ATTACHED

 For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4214.

DISTRIBUTION/POSTING

Provide copies to all organizations and individuals requesting it in writing.
 Provide notice of availability to all Security Gate Mailing List recipients.
 Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
 Project file.
 Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



Attachment D – Negative Declaration with Mitigations and Initial Study

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT Development Review Services Division

INITIAL STUDY CHECKLIST FORM

PROJECT TITLE: TENTATIVE TRACT MAP NO. 7033 and REZONING (ZC98-190-05)
Request to subdivide one a 4.2 acre parcel into 24 single family parcels
ranging in size from 5,000 ± to 9,900 square feet. The site is located at 28191
Hesperian Blvd. north of Capitola Street.

**LEAD AGENCY NAME
AND ADDRESS:** City of Hayward, 777 B St. Hayward, CA 94541-5007

**CONTACT PERSON
AND PHONE NUMBER:** Matt Tomas, Associate Planner (510) 583-4229

PROJECT LOCATION: 28191 Hesperian Blvd., Hayward, CA 94545

**PROJECT SPONSOR'S
NAME AND ADDRESS:** Don Lapidus for Greystone Homes, Inc.
920 Hillview Court, Suite 280
Milpitas, CA 95035
(408) 934-1744

GENERAL PLAN DESIGNATION: Low Density Residential (4.3 – 8,7 units per net acre)
PROPOSED ZONING: RS (Single Family Residential)

PROJECT DESCRIPTION: TENTATIVE TRACT MAP NO. 7033 and REZONING (ZC98-190-05) – DON LAPIDUS FOR GREYSTONE HOMES, INC. (APPLICANT) CHARLES GRIMSHAW, RONALD E. AND GRACE E. MARCIEL (OWNERS): Request to subdivide one a 4.2 acre parcel into 24 single family parcels ranging in size from 5,000 ± to 9,900 square feet. The site is located at 28191 Hesperian Blvd. north of Capitola Street.

SURROUNDING LAND USES AND SETTING:

The project site is located in the Glen Eden neighborhood and is presently an operating retail nursery with residential uses surrounding it on three sides.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED: Not applicable.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input checked="" type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings
of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the initial study will be added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(S) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.


Signature

Matt Tomas

Printed name

August 12, 1998

Date

City of Hayward

Agency

ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. <i>Would the proposal:</i>				
a) Conflict with general plan designation or zoning? <i>The Hayward General Plan land use designation for the project site is Low Density Residential and the proposed project is consistent with allowed density. The proposed rezoning to the RS (Single Family Residential) is also consistent with the General Plan land use designation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? <i>The project and its proposed mitigations relating to existing soil contamination and noise levels, would be consistent with the City of Hayward General Plan, especially those found in the Conservation and Environmental Protection Element.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be incompatible with existing land use in the vicinity? <i>See response to la. Above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? <i>The site is in an established retail use along a major arterial.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? <i>The project is considered to be an infill residential project in an existing residential area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. POPULATION AND HOUSING. <i>Would the proposal:</i>				
a) Cumulatively exceed official regional or local population projections? <i>The project is consistent with established density ranges of the Hayward General Plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?
<i>This is considered to be a infill project which is consistent with adopted City of Hayward land use plans and policies.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace existing housing, especially affordable housing?
<i>The site is presently a retail use and the project will create market rate housing in an established residential area.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture?
<i>The property is outside the Hayward Special Studies Fault Zone.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Seismic ground shaking?
<i>A geotechnical report dated 4/21/98 was prepared by HARZA Consulting Engineers and Scientists which discusses seismicity concerns. The report clarifies that the site is located about 2 miles, 9.5 miles, and 16 miles northeast, respectively, of the Hayward, Calveras and San Andreas faults. The report concludes that the hazard associated with surface fault ruptures is considered to be low.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Seismic ground failure, including liquefaction?
<i>This area is not known to have the potential for seismic ground failure including liquefaction.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Seiche, tsunami, or volcanic hazard?
<i>Not known in this area.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Landslides or mudflows?
<i>Area is not in the hillside and is not susceptible to mudflows.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?
<i>There will be minimal grading.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Subsidence of land?
<i>Conditions do not exist.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expansive soils? <i>The soils are alluvial and sedimentary rock which do not present a problem for the proposed development.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features? <i>No unique conditions exist.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER. *Would the proposal result in:*

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? <i>The proposed project is providing stormwater runoff into an approved City stormwater runoff system that was designed to accept the volume of runoff generated from the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding? <i>The site is not located in a designated Flood Plain.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? <i>The project will not discharge into surface waters or affect surface water quality. The project drains into the city stormwater runoff system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body? <i>The project is not located near any water feature.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements? <i>The project is not located near any water feature.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? <i>There is not substantial excavation proposed to alter any groundwater feature.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater? <i>The project will not alter the direction or flow of groundwater because it receives urban water service through underground pipes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality? <i>The project will not impact groundwater quality because the project will provide stormwater and sanitary sewer infrastructure.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? <i>The project is not located in the watershed for any local public water suppliers.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. AIR QUALITY. Would the proposal:

a) Violate any air quality standard or contribute to an existing or projected air quality violation? <i>The project is a single family subdivision and will not affect the air quality standard nor will it contribute to an existing or projected air quality violation since it does not generate any air pollutants.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants? <i>See Response IX c.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate? <i>The project is a single family subdivision and will not alter air movement, moisture, or temperature, or cause any change of climate.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? <i>The project will not create any odors.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

- a) Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project would create about 24 peak hour trips which is well below the 100 peak hour trip threshold of significance that is established by the Alameda County Congestion Management Agency.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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All features are designed to city specifications which address traffic safety concerns. A new public street will allow the residents and visitors access to the project from Capitola Avenue. Adequate turning radii will be provided and site distances from the new intersection will be provided.

- c) Inadequate emergency access or access to nearby uses?
The project provides a public street that is adequate for emergency vehicle access. Additionally, the Hayward Fire Department is requiring the developer to install hard-wired smoke detectors in every residential dwelling and central monitor smoke detectors in-lieu of providing a secondary access point for fire department apparatus.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- d) Insufficient parking capacity onsite or offsite?
The proposed project provides adequate on-site and on-street parking as required per city standards.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- e) Hazards or barriers for pedestrians or bicyclists?
The project will provide standard curb and sidewalks for pedestrians and a public street for bicyclists.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
The proposed project is located within a 5 minute walk of bus routes which is consistent with policies found in the Hayward General Plan and Circulation Element.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- g) Rail, waterborne or air traffic impacts?
No conflicts exist.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to*

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?
<i>No wildlife exists on or near the site, except for some non-native trees on the periphery of the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Locally designated species (e.g., heritage trees)?
<i>No locally-designated trees exist. Also see response XII b.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?
<i>No natural communities exist on or near the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?
<i>No wetland habitat exists on or near the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Wildlife dispersal or migration corridors?
<i>None of the above exists on or near the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans?
<i>Proposed new construction is consistent with local requirements for energy conservation.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Use nonrenewable resources in a wasteful and inefficient manner?
<i>Hayward encourages new development projects to recycle building materials on the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?
<i>No known resource would be significantly affected by this development.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IX. HAZARDS. *Would the proposal involve:*

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| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?
<i>See response IX c below.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Possible interference with an emergency response plan or emergency evacuation plan?
<i>See response VI c.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The site contains contaminated soil which has been described in the Preliminary Site Assessment dated 3/11/98 prepared by HARZA consultants.

Mitigations - A phase I preliminary site assessment and a site remediation work plan (report dated 6/30/98 by HARZA consultants) have been prepared for the site to address the contaminants identified in shallow soils in the western portion of the site, and contaminants in soil and ground water on the southern end of the site in the vicinity of the former dairy farm. The conditions of project approval will require the developer to resolve all contamination issues to the satisfaction of the Alameda County Health Care Service Agency and the City of Hayward prior to any construction activities.

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| d) Exposure of people to existing sources of potential health hazards?
<i>The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards. Additionally, the soil contamination will be mitigated as discussed under the response to V b.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

All structures are built to Uniform Fire Code standards. The existing eucalyptus trees are proposed to be removed with replacement with an appropriate tree species subject to the review and approval of the City's Landscape Architect.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. NOISE. *Would the proposal result in:*

- a) Increases in existing noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed new homes would be subject to noise levels in excess to those recommended by the City of Hayward Noise Element.

Mitigations - A Traffic Noise Assessment was prepared on June 24, 1998 by Edward L. Pack Associates for the proposed project. This study clarifies that both interior and exterior noise levels would be exceeded. The primary source of noise is created from the vehicular traffic on Hesperian Boulevard. Project mitigations are recommended in the report and consist of constructing a minimum 7-foot high solid soundwall along Hesperian and using appropriate building materials to reduce interior noise levels to within standards established by the City of Hayward Noise Element. Should the project be approved, the recommendations contained in the Pack Associates study will be made part of the conditions of approval for the project so that the noise levels are reduced to acceptable levels.

- b) Exposure of people to severe noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See response to Xa. above.

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

- a) Fire protection?

The project site is located within the 5-Minute Response time area for Fire Station #4.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Police protection?

The project will receive police protection services from the Hayward Police Department.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Schools?

The proposed project will not generate more school-aged children than what is already anticipated by the Hayward General Plan and the Hayward Unified School District.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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| d) Maintenance of public facilities, including roads?
<i>The new street will be built and constructed to public street standards which allows gas tax monies to be used for maintenance. A new landscaping strip along the soundwall on the Hesperian Boulevard side, will be maintained through a homeowners association, Lighting and Landscape District, or some other similar mechanism for its long-term maintenance.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other government services?
<i>No other services are impacted.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Power or natural gas?
<i>Existing facilities and planned infrastructure to each new dwelling are adequate to accommodate the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Communications systems?
<i>Existing facilities and planned infrastructure to each new dwelling are adequate to accommodate the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Local or regional water treatment or distribution facilities?
<i>Existing facilities and planned infrastructure to each new dwelling are adequate to accommodate the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Sewer or septic tanks?
<i>Existing facilities and planned infrastructure to each new dwelling are adequate to accommodate the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Storm water drainage?
<i>Existing facilities and planned infrastructure are adequate to accommodate the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Solid waste disposal?
<i>The project requires adequate solid waste disposal and participation in the City of Hayward recycling program is required.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Local or regional water supplies?
<i>Existing facilities are adequate to accommodate the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. AESTHETICS. Would the proposal?

- a) Affect a scenic vista or scenic highway?

None affected.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Have a demonstrable negative aesthetic effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Removal of Existing Trees - There are 25 existing trees (18 eucalyptus and 4 elm) along the western border of the site, all of which are proposed to be removed.

Mitigation - To offset the loss of this visual buffer, the City is requiring the replacement of these trees with 20, 24-inch box Myoporum laetum 'Carsonii.' Specifically, 3 trees each shall be planted on Lots 2-5 (12 total), while 4 trees each shall be planted on Lots 7 and 6 (8 total).

The project proposes to install an 8-foot soundwall along property line near Hesperian Boulevard in order to reduce vehicular noise impacts.

Mitigation - Buffer landscaping, including trees, shrubs and vines shall be planted in front of the soundwall along Hesperian Boulevard which will be maintained by a Homeowners' Association. This will minimize any visual impact of the new soundwall.

- a) Create light or glare?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No excessive light or glare will be created by the new homes. Additional landscaping in the front yards will help buffer any visual impact of the new homes.

XIV. CULTURAL RESOURCES. Would the proposal:

- a) Disturb paleontological resources?
None recorded in the area or on site.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Disturb archaeological resources?
None recorded in the area or on site.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Have the potential to cause a physical change which would affect unique cultural values?
None recorded in the area or on site.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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| d) Restrict existing religious or sacred uses within the potential impact area?
<i>None recorded in the area or on site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. RECREATION. *Would the proposal:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Increase the demand for neighborhood or regional parks or other recreational facilities?
<i>The project will pay park dedication fees which can be used to provide increased recreation opportunities in the area.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Affect existing recreational opportunities?
<i>The project will pay park dedication fees which can be used to provide increased recreation opportunities</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☐ ☐ ☐ ☒
- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? ☐ ☐ ☐ ☒
- c) Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) ☐ ☐ ☐ ☒
- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☒

XVII. EARLIER ANALYSES.

None used .



HEARINGS

4. Zone Change **98-190-05** and Vesting Tentative Map Tract 7033 - Greystone Homes, Inc. (Subdividers); Charles Grimshaw, Ronald E. And Grace E. Marciel (Owners) - Request to Rezone One Parcel Totaling 4.2 Acres from Single Family Residential, 6,000 sq. ft. Parcel Minimum, and to Subdivide Parcel into 24 Single-Family Parcels Ranging in Size from 5,000 \pm sq. ft. to 9,900 sq. ft. - Property Located at 28191 Hesperian Boulevard

Staff report submitted by Development Review Services
Administrator Anderly, for October 13, 1998, was filed.

Development Review Services Administrator Anderly reported the highlights of this development and responded to questions. In response to a question from Council Member **Henson**, she noted that an early warning system would be installed in each home that would be monitored by the Fire department and will address the concern that the project has only one public access, off Tahoe Avenue.

Council Member Hilson expressed his concern regarding Lot 19 as well and thought that the project was somewhat overdeveloped. He asked whether the developer has offered a return for the increased density requested, as the proposed project does not currently meet the zoning requirements thus the need to provide a zone change.

Development Review Services Administrator Anderly responded that the request for RS rezoning is consistent with the City's General Plan.

Mayor Cooper opened the public hearing at **8:42** p.m.

Donald E. Lapidus, representing Greystone Homes, 920 **Hillview** Court, Suite 280, Milpitas, noted that his **firm** is a local developer and a part of the **Lanar** Homes. He introduced other team members who could respond to Council questions. He described the project and asked for a condition adjustment to number 46, relating to the replacement of trees within 60 days after the issuance of a tree removal permit. He asked that it read, prior to occupancy of the home.

Dennis Pulizzano, 2528 Tahoe Avenue, expressed concern that there is no direct access from the new project to Hesperian Boulevard. He was also concerned whether street parking in the new development would be adequate. He was concerned that street parking on Tahoe will be impacted by this project.

Development Review Services **Administrator** Anderly responded to these concerns. A second

access directly to Hesperian would conflict with the traffic on Hesperian at a second point rather than just one. In order to create a living environment that meets the noise standards, a noise barrier of a masonry wall along Hesperian Boulevard would need to be installed. If this were cut to make an opening, you would breach that. She indicated that the parking on the street would meet City requirements of two spaces in the garage, two in the driveway and one on the street.

Betty Kvalnes, 28282 Peachtree Drive, spoke in opposition to the removal of the eucalyptus trees, and was concerned that the trees be replaced as soon as possible. She also inquired how condition of approval number 65 would be enforced, requiring the property owners to maintain the trees that will be planted in the new lots.

Development Review Administrator Anderly responded that a recorded covenant does not guarantee the tree maintenance, but the homeowners association will be charged with the responsibility of ensuring that the trees are maintained.

Council Member Ward asked that the developer's landscape architect describe the nature of the new **24-inch** boxed trees. She said that the present stand of eucalyptus is near the end of their life span and could be dangerous. The new trees will be a mixture of several species, will grow from **10-14** feet higher, and be relatively fast growing.

Council Member Hilson questioned the eucalyptus coming to the end of their life cycle since they are not more than 45 years old and live to be 200. He then suggested that perhaps the developer offer trees to the adjacent homeowners.

Ron **Barklow**, 1210 Tiegen Drive, asked that the developer be concerned about nesting birds in the trees that will be removed.

Mayor Cooper closed the public hearing at **9:07** p.m.

Council requested that staff and the developer propose a traffic mitigation plan. It was suggested that a traffic signal would need to be installed to deal with cross traffic on Hesperian. The proposed condition of approval should be added for traffic mitigation at **Hesperian/Tahoe** and **Hesperian/Catalpa**.

Council Member **Henson** asked that the developer address the issue of privacy on Lot 19. Mr. Lapidus noted that the home would be a two-story with no windows on the side adjacent to other homes. The front and backyard of this home will be larger than the other homes of the project. He noted that there is no mechanism for maintaining a park on this parcel if this lot is deleted. He also noted that with only 24 parcels, it would make a definite economic impact on the feasibility of the project. Lastly, he noted that the setbacks for the adjacent homes are over twenty feet giving Lot 19 more privacy and making it a more desirable home.



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Council Member **Henson** asked that staff respond to the possibility of adding this to the Landscape and Lighting District for maintenance and upkeep of the lot as a **greenway** area. City Manager **Armas** responded that there was.

Council Member Hilson said he shared the concern about Lot 19 as well. He agreed that the Lot should be deleted and perhaps added to the other lots. He also suggested that developer **submit** a higher standard of homes than that presented in the project renderings. He then urged that the developer plant the replacement trees as soon as possible.

Council Member Ward asked that staff comment on the traffic impacts to Hesperian. Public Works Director Butler responded that any new development would have some impact on traffic. However, in terms of the total impact relative to the present volume, there will not be a great impact. This intersection already meets the warrant for a traffic signal and it is on the top-10 priority list in the CIP (Capital Improvement Program) budget. The developer will pay a supplemental building and construction tax which can allow some dollars from the General Fund for **traffic** improvements. Because the traffic signal is already warranted and because the project makes no difference in level of service, it would not be justifiable to require the developer to install the traffic signal. He said the amount of dollars in revenue from the project would not allow the traffic signal to move substantially higher on the list of priorities for the City.

Council Member Ward then asked that staff report on its efforts towards maintaining Western Garden Nursery in Hayward. Director of Community and Economic Development Ehrental enumerated the various outreach efforts in researching sites for the nursery.

Council Member Rodriguez commented on the proposed structure for Lot 19 as well as the wall along Hesperian. She was informed that it would be similar to the **Soto** Road wall, but the landscaping has not been completed nor confirmed. She thanked staff for a thorough report on the situation regarding the schools.

Mayor Cooper then re-opened the public hearing at **9:29** p.m.

Ann Walsh, 28297 **Capitola** Street, expressed concern about the traffic impacts on her neighborhood.

Carole Chavez, 2533 Tahoe, was concerned about the two-story Lot 19 home that would be adjacent to her home, which is a one-story building. She would like to see trees planted at the rear of that lot.

Paul Kruger, with Greystone Homes, engineer for the project, commented on Lot 19. He noted

that it is similar to a typical corner lot within the City. He indicated that the only thing unusual about Lot 19 was the front yard, which does not have the normal street frontage with a private courtyard. He commented on various ways the lots might be moved around but indicated that they tried to make as much room in yard space as opposed to street space.

In response to Ms. Chavez' comments, Mr. Lapidus said that if the windows on the houses overlooking her property cannot be adjusted to give her privacy, they would consider placing trees at the rear of the lot. He added that they would be willing to spread the Lots 16, 17, 18, and 19 and adjust the cul-de-sac slightly to make Lot 19 a more generous lot.

Mayor Cooper closed the public hearing at 9:39 p.m.

Council Member Hilson offered a motion to certify the negative declaration, approve the rezoning and vesting tentative map with the deletion of Lot 19, along with all of the Conditions of Approval. The motion died for a lack of a second.

City Manager **Armas** explained that the Council was being asked to consider a tentative map. If they were to approve it, the final map would determine conformity with this decision. It would not be a new, substantive determination at that point.

Council Member **Henson** then made the same motion as was previously made. Council Member Hilson seconded the motion.

Council Member Ward asked for a substitute motion to approve the Negative Declaration; rezone the property and approve the Conditions in the staff report, with the modification to allow the applicant to work with staff to make modest adjustments to Lot 19, 18, 17, and 16. The plans for the side yard on lot 19 be increased on the eastern side; and, that staff work with the applicant to make all the lots relatively more private than they are now. The item would then come back to Council for concurrence. Council Member Jimenez seconded the motion.

Council Member Dowling asked the applicant whether he would offer to pay approximately half (\$75,000) the cost for a traffic signal.

Mr. Lapidus indicated that it would not be economically feasible to pay the cost as well as all of the other fees required by the City for the project including the supplemental building fees.

City Manager **Armas** suggested that Council Member Ward's motion be considered as direction to staff; the item could be continued for two weeks so that staff can work with the applicant on the readjustments of the lots, as well as provide more specific information relating to the traffic signal.

Council Member Ward revised his substitute motion to approve the project in concept and direct staff to work with the applicant to reconfigure lots 16-19 and review the issues of traffic and how



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to resolve them.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried by the following roll call vote to direct staff to work with the applicant to reconfigure Lot 19 by adjusting lots 16 – 19, provide for privacy for neighboring lots, work with staff and continue the public hearing to October 27, 1998:

AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling, **Henson**
MAYOR Cooper
NOES: Council Member Hilson
ABSENT: None
ABSTAINED: None

~~5. Amendments to Sign Ordinance, Chapter 10, Zoning, of the Hayward Municipal Code~~

~~Staff report submitted by Associate Planner **Camire**, dated October 13, 1998, was filed.~~

~~Development Review Administrator Anderly gave an overview of the various changes in the sign ordinance.~~

~~Council Member **Henson** asked about the freeway oriented signs with the electronic reader boards. He wondered about the sign at Southland and how it would be dealt with under this ordinance.~~

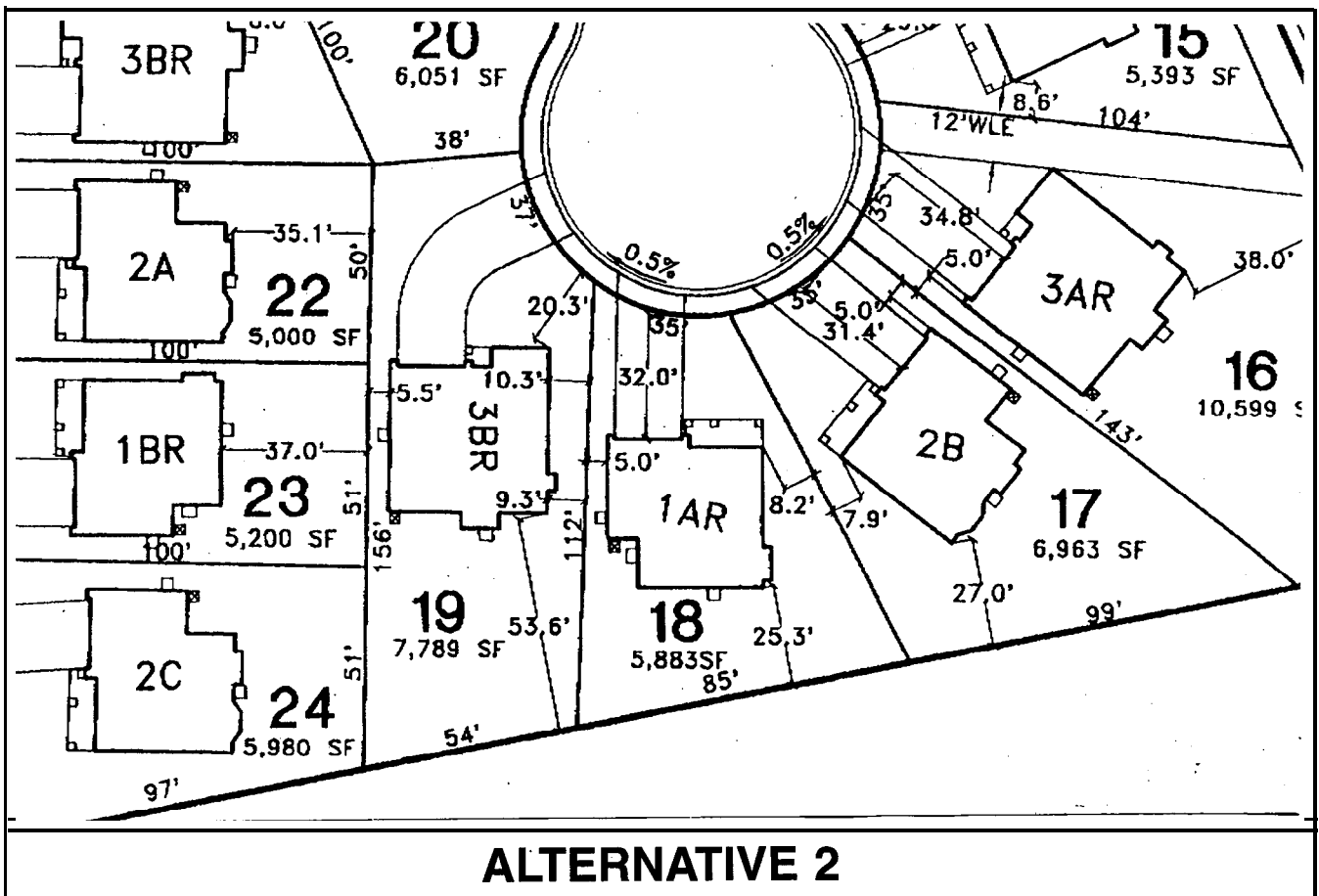
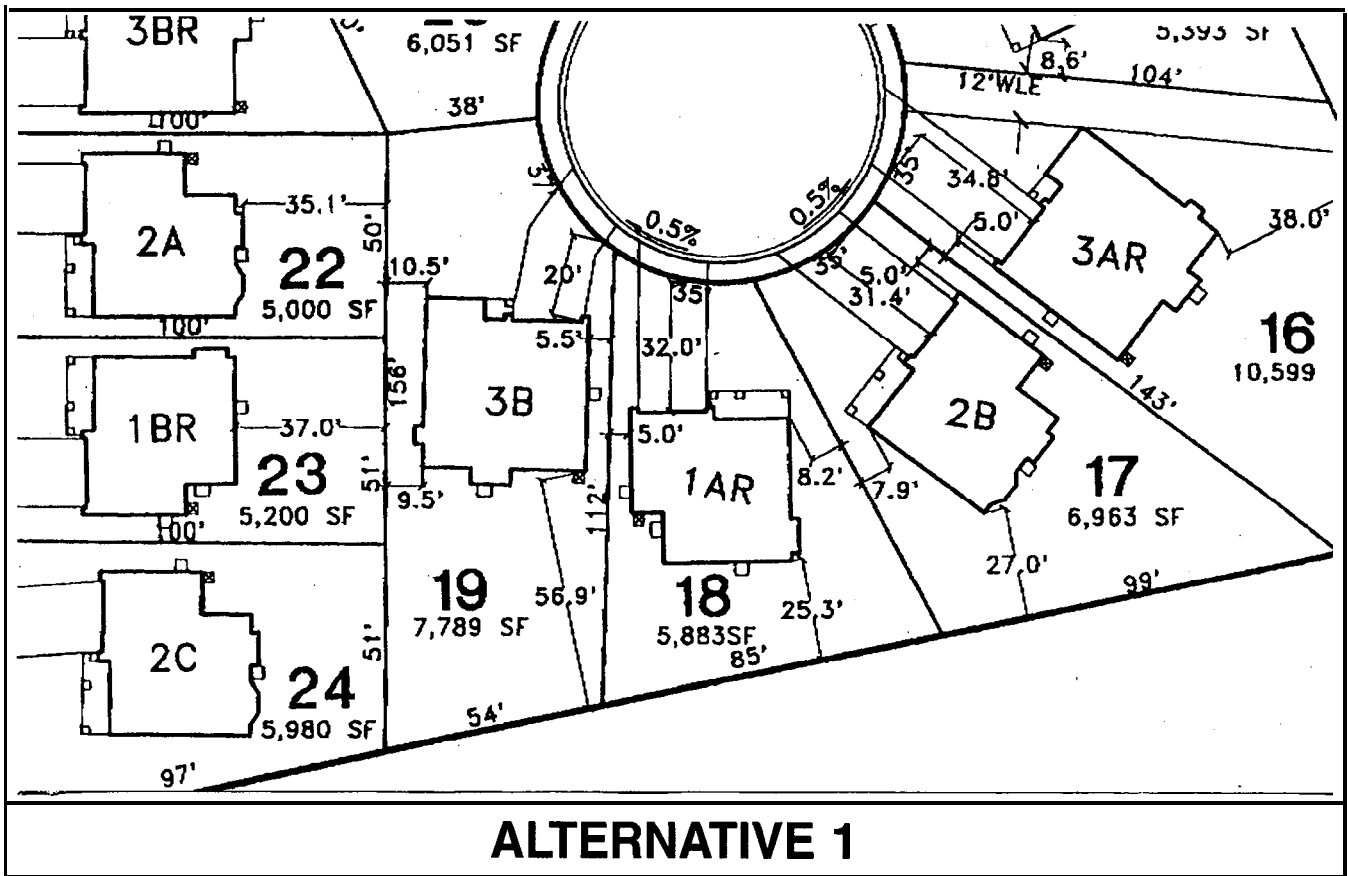
~~Development Review Administrator Anderly said that it is zoned commercial and they have been encouraged to come in with a master sign program.~~

~~Council Member Ward wondered whether there would be a provision for the advertising on the water tower at the former Hunt's Cannery.~~

~~Development Review Administrator Anderly responded that there is a provision for Planning Director discretion over historic signs and if the water tower were considered an historic element, it could be approached from that direction.~~

~~Mayor Cooper opened the public hearing at 10:15 p.m.~~

~~Leon Bell, Bell's Sea Food and Soul Food, 155 Jackson Street, said that, as a small business~~



DRAFT MS 9/27/97

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member _____

RESOLUTION CERTIFYING NEGATIVE
DECLARATION AND APPROVING ZONE CHANGE
APPLICATION 98-190-05 AND TENTATIVE MAP
TRACT 7033, FILED JOINTLY BY GREYSTONE
HOMES, INC. (SUBDIVIDERS) AND CHARLES
GRIMSHAW, RONALD E. AND GRACE L. MARCIEL
(OWNERS), FOR CONSTRUCTION OF 24 SINGLE-
FAMILY PARCELS

WHEREAS, Zone Change Application No. 98-190-05 concerns a request to change zoning from RSB6 (Single-Family Residential, 6,000 sq. ft. parcel minimum) District to the RS (Single Family Residential) District by Greystone Homes, Inc. (Subdivider) and Charles Grimshaw, Ronald E. and Grace L. Marciel (Owners) to subdivide the property consisting of 4.2 acres into 24 single-family parcels ranging in size from 5,000 square feet to 9,900 square feet located in the Glen Eden Neighborhood at 28191 Hesperian Boulevard, north of Tahoe Avenue: and

WHEREAS, the Planning Commission reviewed the applications at its September 10, 1998 meeting and recommends approval of the Project.

WHEREAS, a Negative Declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward hereby **finds** and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and **finds** that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council, in connection with the Zone Change Application, hereby finds and determines that:

1. The City Council recommends approval of the Negative Declaration, finding that the document is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment

of the City Council based on the fact that the project could not have a significant environmental impact subject to the mitigation measures.

2. The development is in substantial harmony with the surrounding area and conforms to the housing Element of the General Policies Plan and the Glen Eden Neighborhood Plan in that the construction of 24 single-family homes will maintain the single family character of the area.
3. Existing and proposed streets and utilities, as conditioned, are adequate to serve the development.
4. The development, as conditioned, will create a residential environment of sustained desirability and stability, that existing public facilities, such as schools, playgrounds, and parks are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development; and

WHEREAS, the City Council, in connection with Vesting Tentative Tract Map 7033, hereby finds and determines that:

1. The vesting tentative tract map, for 24 single-family residential lots, as conditioned, has been found by the City Council to be in substantial conformance with the project reviewed under the attached mitigated Negative Declaration, which reflects the independent judgment of the City Council.
2. The proposed subdivision is consistent with the General Policies Plan and the city's Subdivision Regulations, in that it is compatible with the objective, policies, and the general land use and programs specified in the General Plan.
3. The land being subdivided is for residential use and the drainage from such use does not violate the requirements prescribed by the Regional Water Quality Control Board.
4. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
5. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.

6. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils, instability, noise, or traffic problems.
7. Upon completion and implementation of the required mitigation measures and proposed conditions of approval. the streets and utilities would be adequate to serve the development.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based on the findings noted above and the adoption of an Ordinance approving Zone Change Application No. 97-190-05 that it hereby approves vesting Tentative Map Tract 7033, subject to the attached conditions of approval.

IN COUNCIL. HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

JB 9/27/98

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10-1. 156 OF
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE BY REZONING CERTAIN TERRITORY AT 28191
HESPERIAN BOULEVARD PURSUANT TO ZONE CHANGE
APPLICATION 98-190-05

WHEREAS, Zone Change Application No. 98- 190-05 concerns a proposal to rezone the **property** located on at 28191 Hesperian Boulevard from Single-Family Residential 6,000 square foot parcel minimum (RSB6) District to Single-Family Residential (**RS**) District; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the **office** of the City Clerk and is hereby referred to for **further** particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA **guidelines**; and

WHEREAS, the City Council of the City of Hayward hereby **finds** and determines that the City Council has independently reviewed and considered' the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance **with** the requirements of the California Environmental Quality Act, and **finds** that the negative declaration reflects the independent **judgment** of the City of Hayward.

WHEREAS, the City Council hereby **finds** and **determines** that:

1. Approval of Zone Change Application No. **98-190-05**, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the Negative Declaration prepared for this rezoning is in conformance with the provisions of the California Environmental Quality Act.
2. The proposed development is in substantial harmony with the surrounding area and conforms to the housing Element of the General Policies Plan and the Glen Eden Neighborhood Plan in that the construction of 24 single-family homes will provide opportunities for home ownership and is compatible with surrounding uses.
3. Existing and proposed streets and utilities are adequate to serve the development.

4. The development, as conditioned, will create a residential environment of sustained desirability and **stability**, and the existing public facilities, schools and parks are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD
DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-1.156 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 28 19 1 Hesperian Boulevard from Single-Family Residential 6,000 square foot parcel minimum (RSB6) District to a **Single-Family Residential (RS) District**.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of

Hayward, held the ____ day of _____ 1998, by Council Member _____

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the d a y o f _____, 1998, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward